

LEGISLATIVE COUNCIL

**Capitol Annex, Room 204
Boise, Idaho
November 7, 2008**

MINUTES

The meeting was called to order at 8:30 a.m. by Co-chair Speaker Lawrence Denney. Members of the Legislative Council in attendance were Co-chair President Pro Tem Robert Geddes, Senators Bart Davis, Patti Anne Lodge, John McGee, Clint Stennett and Kate Kelly; and Representatives Mike Moyle, Gary Collins, Eric Anderson, Wendy Jaquet, Nicole LeFavour and Anne Pasley-Stuart. Upon the request of Senate Minority Leader Clint Stennett, Senator Elliot Werk sat in on the meeting for Senator David Langhorst, who was unable to attend.

Also in attendance or participating in the meeting were Senators Brad Little and Joe Stegner; Jan Frew, Division of Public Works; Bonnie Alexander, Sue Frieders and Terri Franks-Smith, House of Representatives; Jeannine Wood, Rusti Horton and Mary Sue Jones, Senate; Wayne Hammon and Roger Brown, Division of Financial Management; Amy Lorenzo, Carrie Parrish and, via conference call, Rakesh Mohan, Office of Performance Evaluations. Legislative Services Office staff in attendance included Jeff Youtz, Sheila Ison, Mike Nugent, Cathy Holland-Smith, Glenn Harris, Paige Parker, Norma Clark, Matt Freeman, Amy Castro and Don Berg.

On a motion by Representative Jaquet and a second by Representative Collins, the Legislative Council approved the minutes from its meeting of May 9, 2008.

LSO Director's Report

LSO Director Jeff Youtz introduced new Legislative Services Office staff hired to fill vacant positions. In the Research and Legislation Division, Jackie Gunn and Toni Hobbs are new co-editors of legislation, and Brooke Murdoch has filled the vacant legislative analyst position. Joe Austin has joined the Budget and Policy Analysis Division as a budget analyst, and Margaret Major is the new administrative assistant. The Legislative Audits Division has two new auditors, Mark Schoenfeld and Kyle Wilmot. Speaker Denney welcomed the new staff members.

Interim Committees

The Council then heard updates about interim committee activities. Mike Nugent, supervisor of the Research and Legislation Division, presented information about the two-year Energy, Environment and Technology Interim Committee. Three two-day meetings have been held this year, in June, September and November. Meeting discussions included the Bonneville Power Administration, gas prices, the impact of

hedge funds on the price of oil, nuclear energy, wind power, electric cars, tax incentives for hybrid cars and energy-efficient school buildings.

Legislative Research Analyst Eric Milstead said the Property Tax Interim Committee was charged with studying the potential for property tax relief and the improved administration of the state's criminal justice, juvenile justice and court systems. The committee, in four interim meetings, looked at the roll of property tax in funding county governments, a Supreme Court report focused on state court funding issues, county levies, findings of a survey of counties to obtain expenditure data, an overview of the way other states finance their criminal and juvenile justice systems, and an update on an ongoing report being conducted to review the status of the public defender system across the state. The committee also heard presentations and had continuing discussions regarding the possible assumption by the state of financing for certain aspects of the court, criminal and juvenile justice systems to provide property tax relief.

Legislative Research Analyst Paige Parker presented information on the activities of the ongoing Health Care Task Force, which has been very active this year with monthly meetings since August. Recent discussions have included health care insurance policies at public universities in Idaho, the high risk insurance pool monitored by the task force and updates on CHIP-B, a program to provide medical assistance to children. The task force regularly monitors what's being done to make insurance more available and premiums more affordable.

Budget and Policy Analyst Amy Castro discussed the Mental Health Subcommittee of the Health Care Task Force, which has been active for four years. An appropriation of \$250,000 was passed by the Legislature two years ago to have the Legislative Services Office contract for an overall review of Idaho's mental health and substance abuse treatment delivery system. The contract was awarded to the Western Interstate Commission for Higher Education (WICHE), which has done system-wide reviews for multiple states. The WICHE review was completed in July of this year, and the task force reviewed the report in August. The report found that Idaho's system is completely broken, with no concurrence between mental health and substance abuse services. The system is skewed to the most expensive services in the state, often residential treatment or hospitalization.

WICHE recommended that the state move toward a community-based system of regionally operated, integrated mental health and substance abuse districts, with each region having oversight of services, funding and administration. WICHE also recommended that the state move out of direct service delivery (the Department of Health and Welfare has approximately 250 mental health professionals providing services). The subcommittee voted to accept the report and look at the next steps to move forward. The subcommittee identified the state's Interagency Substance Abuse Committee as the possible entity to coordinate the system-wide transformation. Members voted to request a meeting to learn the reaction of the executive branch to the report and to move forward with the report's recommendations.

Budget and Policy Analyst Matt Freeman updated the Council on the status of the Medical Education Interim Committee. At meetings in August and September, the committee heard the findings of a consultant charged with studying the feasibility of providing medical education in Idaho. The committee also received information about how other states are meeting the growing demand for physicians and the timeframe needed to obtain accreditation and certification of a medical education program. The committee discussed the possibility and cost of Idaho having additional medical students at University of Washington's WWAMI program and of existing residency programs. Members heard from rural and urban hospital administrators about physician recruitment and retention issues.

Governor Otter shared his vision for medical education in the state, and the committee heard a report about the Governor's Select Committee on Healthcare. The person in charge nationally of accreditation for medical education programs addressed the committee about the process, timeline and issues related to accreditation issues. A physician from the Family Medicine Residency of Idaho program discussed his research on rural physician recruitment and retention. The presidents of Idaho's three universities gave an inventory of the existing assets on their campuses that could potentially be used for a medical education program. President Valais, Idaho State University, presented a potential model for offering medical education at ISU.

The research capacities and facilities of the VA Medical Center, as well as the potential for research collaboration will be presented when the committee meets later in November. The committee also will hear from the dean of the medical school at the University of Washington about the feasibility of expanding medical education through the WWAMI program. Economic development and physician workforce needs in Idaho will be discussed, and Idaho State University will present a more detailed report of its model and a business plan for startup and operating costs of providing a medical education program.

In conclusion, Mr. Freeman noted that in addition to the legislative interim committee, both the State Board of Education and the Governor's Select Committee are studying the possibilities for medical education in Idaho.

FY 2009 Strategic Plan

LSO Director Jeff Youtz told the Council that, at the request of Senator Davis, the draft FY 2009 Strategic Plan had been edited in red with underlining and strikethrough so members could more readily see the suggested changes. Saying the plan was basically the business plan for the Legislative Services Office for FY 2009, Mr. Youtz outlined its proposed goals and strategies. In response to a question from Representative Jaquet concerning the deletion on page 11 of the plan of the Idaho Contact Guide, Mr. Youtz explained that the guide had not been published in a couple of years and that state agency contact information was now included in the back of the Legislative Directory. Representative Jaquet said she is still using the Contact Guide and had not yet learned to use the Legislative Directory for that information. She said she had found the Contact Guide to be really helpful, particularly because it included more

detailed information and e-mail addresses for agency directors. She went on to say that it didn't need to be a formal publication with spiral binding, just a printout with the information would be really helpful.

Representative LaFavour asked if the information was available in a consolidated format online somewhere. Mr. Youtz responded that the state phone directory was online. Representative Jaquet reiterated how helpful she had found the Contact Guide to be in doing constituent service work. Mr. Youtz said the office could very easily put together a list of agency directors with phone, fax numbers and e-mail addresses. Representative LaFavour asked that the resulting product be made available to legislators electronically. Senator Werk requested that the information be available for download to legislators' PDAs. Mr. Youtz said that the Legislative Services Office will prepare a Contact Guide for legislators that will be available in both hard copy and electronic format.

Mr. Youtz told the Council that the Strategic Plan contained in each division's performance measures a customer service survey to be conducted with legislators every other year, similar to the survey conducted at the end of the 2008 session. On a motion by Senator Davis and a second by Representative Jaquet the Council adopted the FY 2009 Strategic Plan as presented.

Indian Murals

Director Youtz asked the Council to look over the final drafts of the labels to be posted in the Capitol Annex next to the Indian murals. The drafts had been e-mailed to all members of the Restoration Committee for review and been approved. He explained that he had worked closely with the Indian tribes of the state and with the Idaho Historical Society to make the language of the labels as accurate as possible and acceptable to all concerned. In response to a question from Representative LaFavour, Speaker Denney said that the Legislative Council would approve or disapprove of the murals, but would not amend them. The Council voted to approve the mural labels on a motion by Representative Moyle and a second by Senator Lodge.

State Budget Update

Manager Cathy Holland-Smith, Budget and Policy Analysis Division, gave the Council an overview of the state's budget picture. She said she expected Idaho job numbers, which were to be released later in the day, to reflect the general downturn in the economy. FY 2008 ended with a \$47 million revenue surplus, resulting in a cash balance of \$248.8 million, most of which was earmarked in the FY 2009 budget. The last projected revenue figure for FY 2008 was 2.8 percent, but revenues actually came in 3.5 percent higher than FY 2008. Mrs. Holland-Smith said this positioned the state well going into FY 2009 and now is critical to deal with the changes happening in the economy. The Division of Financial Management revised its revenue forecast for FY 2009 downward in August to \$2,766.3 million, or 4.9 percent less than FY 2008 revenue. She noted that in addition to busts in housing and construction, the state had now had a high-tech downturn, along with significant changes in the valuation of the

stock market and challenges with credit markets. The state's choosing not to issue GARVEE bonds resulted from the lack of credit available to state and local government. Mrs. Holland-Smith stressed that this downturn in the economy was unexpected and unmeasured in the past. "We don't know what's going to happen in three months."

October's revenue numbers were down in sales tax and withholding. Based on this and noting that October's numbers don't show the most current economic activity, Budget staff is showing a downward trend in revenue of negative 5.8 percent, and there is nothing to suggest that the jobs number or sales tax will quickly rebound. The Budget and Policy Analysis Division is running budget scenarios reflecting a negative 8.0 percent in revenue for FY 2009, based on the current economic outlook. Based on the softening revenue in October, the Governor issued a holdback of one percent in ongoing appropriations. The Legislature and the Judicial Branch will be complying with the holdback.

Mr. Youtz noted that the Governor's October holdback was made to address the revenue projection that came out in August. If the state is looking at more like an 8.0 percent reduction in revenues for the current year, he thought a holdback of 4 percent may be needed.

Mrs. Holland-Smith then discussed reserve funds and how the Legislature might deal with the shortfall, including utilization of the Budget Stabilization Fund, the Public Education Stabilization Fund, and the Economic Recovery Reserve Fund, for a total of \$320.7 million. For FY 2010, the state will be dealing with a shortfall that is larger than even half of the reserve funds. A hypothetical FY 2010 scenario based on a negative 5.0 percent revenue growth results in a shortfall of \$378.7 million. To set a balanced budget, the Legislature will have to discuss lowering the base and cutting statutory increases to the budget. Consideration may have to be given to delaying the implementation of some tax changes. Statutory appropriation requests for FY 2010 total \$98.8 million and maintenance requests are \$100.8 million.

In response to a question from Representative Jaquet, Budget Analyst Paul Headlee said the Superintendent of Public Instruction has requested a 3.5 percent CEC salary increase, with one third to increase base pay and two thirds for pay for performance increases in public schools. The overall increase requested for public schools is 5.4 percent.

Mr. Youtz told the Council that this budget scenario will be every bit as challenging as that faced by the Legislature in 2002-2003. He thinks it will take a 4 or 5 percent holdback to get through this year and that the FY 2010 budget will be out of balance approximately \$300 million just to maintain current services. He concluded that the coming session will be one of the most historically challenging budget sessions ever.

Representative Jaquet asked who on the LSO staff was following the federal economic stimulus package. Mrs. Holland-Smith said her staff would be working closely with the Division of Financial Management to follow developments and will share information

with legislators as it becomes available. Representative Moyle said he understood the current administration has put consideration of additional economic stimulus on hold until the new administration is in place. Senator Werk expressed his appreciation for Cathy and her staff and the excellent job JFAC has done of managing the Idaho budget. “The train wreck we’re having is relatively minor compared to many states around the country.”

Senator Davis said that, although staff has played a significant role, they don’t set the budget; legislators set the budget. While it was tough to do, the Legislature was willing to tighten its belt and work its way through the budget last session. He said that next year it will be even more difficult to set the budget. An advantage the Legislature has, however, is that many legislators who had to work through the tough economic fights a few years ago are still serving. “We know what the priorities are that are most important to this state; we know where some of the landmines are.” He said he has confidence in this team of legislators on both sides of the aisle and is confident of the Legislature’s ability to set the budget successfully.

Representative LaFavour said there will be a lot of difficult decisions to make and that she hopes the Legislature will look ahead to what will be a very serious time for Idaho families. The need for food assistance has greatly increased, homelessness is on the rise, and the number of people who qualify for Medicaid and need healthcare assistance will continue to increase. Pro Tem Geddes concluded the discussion by telling Council members he had recently met with Superintendant Luna and felt confident that a modified ISTARs program is probably not even on a back burner at this time. Mr. Luna is still interested in making some adjustments, but mostly policy changes to the way teachers are evaluated and making sure the evaluation system is consistent.

FY 2010 Appropriation Request

Mr. Youtz presented the appropriation request for the Legislative Services Office, Legislative Technology, and Redistricting. He said the request included no new staff positions or programs and characterized the request as a flat, maintenance-level budget. The appropriation represents a 2.8 percent increase in the budget, including reintegration of the ongoing support costs for technology. He said that, although he thinks LSO needs a new research position, he’ll revisit the issue when the time comes and the economy is better. On a motion by Representative Collins and a second by Representative Pasley-Stuart, the Council approved LSO’s FY 2010 appropriation request for presentation to the Joint Finance-Appropriations Committee.

New Legislator Orientation Program

Director Youtz provided Council members with an overview of the agenda for the two and a half-day 2008 New Legislator Orientation Program. The program will include an overview of organization, staff and facilities; and introduction to procedures and protocol; and a Law School for Legislators. Because of the Legislature’s temporary location in the Capitol Annex and the need to bus legislators to Boise State University on the first day of the session to hear the Governor’s presentation, the Law School for

Legislators session had to be moved from the first day of the session, when it was scheduled for the last program, to the day before December's organizational session. In response to a question from Pro Tem Geddes, Mr. Youtz said all legislators are welcome to attend any or all sessions of the orientation program and letters will be sent to all legislators inviting them to attend. The Law School for Legislators, scheduled for Wednesday, December 3, will include presentations on ethics, conflicts of interest, lobbyists and public records laws. In addition, Judge Steven Trott will address legislators on the Foundations of American Law. Representative Jaquet said she wanted to attend that session, but had a conflict with the Associated Taxpayers of Idaho Annual Conference. Senator Lodge wondered why the two were overlapping, since both the ATI presentations and the Law School for Legislators are really worthwhile for legislators. Senator Davis said he would rather keep the orientation schedule as is and work his schedule around it. Speaker Denney concluded the discussion by saying the objections had been heard and an effort would be made to accommodate them.

2009 Legislative Session Plans

Legislative target dates for the 2009 session were discussed. Pro Tem Geddes reminded the Council that the first legislative day is by statute the Monday closest to the ninth of January, so the session will convene on January 12. Speaker Denney said the House was expediting rules review as it had during the last session. Senator Davis noted that the State of the Judiciary address in recent years has been given by the Chief Justice to a joint session of the Legislature, usually following the Governor's State of the State and State of the Budget Address. He said the Legislature needed to coordinate with the Judiciary before setting the date and time for the 2009 address. Pro Tem Geddes said he thought the target dates for legislative action as outlined on the draft calendar were very helpful to expediting the Legislature's work.

Legislative Statute Changes

Proposed changes to legislative statutes prepared by legislative staff were reviewed by the Legislative Council in November 2007. The draft included general housekeeping and clarification provisions to bring the statutes in line with current practice. At that time, a subcommittee of the minority and majority leaders in each house was appointed to review the draft more closely and to make further recommendations. At the Council's May 2008 meeting, the subcommittee recommended some language modifications to the draft, and the final draft was prepared and included in the Council meeting notebooks for final consideration at the November 2008 meeting. Senator Davis moved that the Council approve recommending the draft statute modifications to the full Legislature. Representative Jaquet seconded the motion, and the motion carried.

Redistricting

Budget Analyst Matt Freeman updated the Council on the efforts he and Librarian

Kristin Ford, who have been charged with staffing the project, have been making in preparation for the redistricting effort to follow the 2010 U.S. Census. He shared a redistricting timeline, which shows that in 2008 and 2009 the Census Bureau's GIS program is being updated with current local voting precinct boundary lines in all counties. The deadline for getting all the precinct data to the Census Bureau is April 2009, and LSO has hired an independent contractor to help with this part of the project. Mr. Freeman said the redistricting effort will be fairly quiet until 2011 when new data is received from the Census Bureau. Idaho Code requires that a budget request be made in legislative session years ending in nine. The appropriation request made by the Legislative Services Office for FY 2010 includes funds to purchase needed GIS software and for contract services. Mr. Youtz concluded the discussion by telling the Council the key date is June 1, 2011, when the Secretary of State orders organization of the Commission on Redistricting and members begin meeting.

Public Television Memorandum of Understanding

Mr. Youtz said the memorandum of understanding (MOU) between Idaho Public Television and the Legislature had been a work in progress over the last year, just as the legislative statute revisions had been. Staff worked with Senator Kelly, Senator Davis and IPTV General Manager Peter Morrill to craft the MOU, which is an agreement about how the Legislature Live program will be operated during legislative sessions. The memorandum establishes that the Legislature owns the camera equipment and recognizes the expertise of IPTV, which will actually operate the system. Mr. Youtz said there were two goals in televising the floor action—a short-term goal to mitigate loss of public gallery space while the Legislature meets out of the Capitol and a long-term goal to provide more access to the public and outreach to the legislative process.

IPTV will televise chamber action using a C-SPAN approach. Cameras will be focused on whoever is speaking and debating a bill, not searching for reactions, and coverage is very straightforward in following the action. No video of any legislative action will be archived; Senate and House journals will remain the official legislative record. Requests for reproductions video must be approved by the director of Legislative Services or his designee or by any member of majority or minority legislative leadership.

In response to a question from Senator Werk regarding the archiving provision of the memorandum, Senator Kelly explained that the intent was to have the video record purged at least every two weeks. Senator Davis said courts are more often looking not to the language as written to determine legislative intent, but what may have been said in a committee meeting, putting more pressure on the Legislature to ensure the accuracy of committee minutes.¹ Legislators need to continue to improve the professionalism of minutes so they reflect what happened and what the committee intended. Senator Kelly said she is comfortable with the language of the MOU, because it ensures a formal public record is not being created with the video feed. She

¹ For more information see "Use of Legislative History: Willow Witching for Legislative Intent," Idaho Law Review, Number 3, 2007.

went on to say it is a continual frustration to her that committee minutes don't reflect better the scope and nature of meetings.

Mr. Youtz, returning to the language in the IPTV memorandum of understanding, suggested rewording the provision concerning video archiving. Representative LaFavour suggested wording the memorandum to say, "Video recorded the previous week will be deleted no later than the Friday of the following week." Mr. Youtz said he would revise the wording of that provision of the document and give it to the Pro Tem, Speaker and Mr. Morrill to be signed.

Regarding committee minutes, Senator Stennett said he concurred with the quality concerns raised previously and that he is continually trying to ensure minutes accurately reflect what is said in meetings. It is the responsibility of committee members to review minutes carefully before approving them. In addition, the quality of minutes varies widely among committees and the secretaries who put them together. "I think we should all figure out how to pay more attention to minutes if they are being used to interpret legislative intent."

Pro Tem Geddes said he thinks it is the responsibility of every member to approve minutes and that it's a mistake to delegate review of minutes to just a couple of committee members. Several legislators suggested that the importance of committee minutes be stressed to new legislators at their orientation program, and Mr. Youtz suggested it also be included in committee chairman and attaché training. Representative Jaquet said the minutes of many committee meetings do not reflect the minority point of view. Training attachés in accurate content of minutes, including minority participation, should be stressed.

In final action regarding the IPTV memorandum of understanding, Senator Davis moved to approve the MOU with clarification of provision number 4, which deals with the issue of video deletion. Senator Lodge seconded the motion, and the motion carried. Representative Jaquet requested that the MOU be revisited at the Council's spring meeting to review how Legislature Live worked and what modifications may be needed. She asked that the minutes reflect this request, to help ensure the MOU is included on the spring agenda.

Representative Jaquet asked about a task force created at the previous Council meeting to receive information from the Department of Administration and from Legislative Services regarding employee and retiree benefits. The task force was made up of the entire membership of the Legislative Council. Since then, Council members have received one memo from Cathy Holland-Smith, but Representative Jaquet wondered if Legislative Council thought that was adequate, given the action called for in the motion. Mr. Youtz responded that Mrs. Holland-Smith had sent the available information to the Council and, since that time, there had been no call by the co-chairs for a task force meeting. Representative Jaquet asked if Director Gwartney, Department of Administration, might be able to address the Council with an update about benefits and the direction the Department of Administration is going for the coming year. Mrs. Holland-Smith subsequently reported through Speaker Denney that Mr. Gwartney was

unavailable that afternoon, but that she would send any additional information she can get from the department or the Governor's Office regarding benefit issues to Council members as soon as it becomes available.

Technology Update

Manager Glenn Harris, Information Technology Division, presented an overview of technology developments that will affect legislators in the coming session. Software changes for 2009 include new virus protection from McAfee, the Pidgin instant messaging program, an upgrade of Microsoft Office to version 2007, Internet Explorer 7 and Firefox browser version 3. New legislators will be set up on the Microsoft Exchange, which will allow them to initially use Microsoft Outlook for e-mail instead of having to learn GroupWise for one year. Returning legislators who have requested it will also be set up to use Microsoft Exchange. The remaining users will be migrated from GroupWise to Outlook for the 2010 session.

The Ad Hoc Advisory Committee on Technology met in September to test and discuss demonstration laptops from five companies that had submitted bids. Committee members inspected each laptop and discussed their technical features and costs. The committee voted to purchase the machine judged by the committee to have the highest performance for the least cost — the HP Compaq 8510p or an upgraded model. The Information Technology Division purchased new HP Compaq laptops for all legislators. In response to a question from Pro Tem Geddes, Mr. Harris explained that the laptops were purchased this time rather than leased. The committee has found that purchasing laptops is less expensive than leasing; the Legislature can keep the laptops as long as it wants, and when it's time to replace them, the Legislature doesn't have the expense of shipping back the older machines, which can be donated to nonprofit or educational facilities.

Senator McGee asked about open records requirements and instant messaging. Mr. Youtz responded that that question had yet to be answered. The Legislature has had some guidance from the courts about e-mail as a public record, but it's still an open question in terms of instant messaging. "I would urge everyone, in an electronic format, to proceed with caution because those guidelines have not been well defined yet. Anything that's done in a public capacity should be assumed to be a public record." In response to a question from Representative Moyle, Mr. Youtz said it has to be the public's business before a legislator has to release a message. He said he is not the e-mail custodian for legislator e-mail, that each legislator is his or her own e-mail custodian. Representative Anderson asked if e-mail had to be preserved. Mr. Youtz said legislators have no responsibility to keep or to recreate electronic messages. Senator Kelly stressed the importance of legislators not deleting anything after receiving a public information request.

In response to a question from Senator Werk, Mr. Harris explained that the IT staff does not wipe hard drives clean but instead puts a new image over them. The average user would not be able to access old data; however, a forensic investigation of a hard drive could possibly recover data. He went on to say that his staff hasn't the time to

wipe each hard drive clean six times, which is the federal standard. Mr. Harris concluded, "For all intents and purposes, no one will be able to get anything off of a legislator's old laptop." Mr. Harris said leased laptops are returned and the leasing company can try to sell them. The IT staff removes all passwords and licensing codes before returning the laptops. Senator Lodge expressed her appreciation to Mr. Harris and his staff for the excellent job they had done in assisting the Technology Committee and in getting the laptops for legislators.

GEMS Update

Systems Analyst Norma Clark, who supervises the GEMS [Government Electronic Management System] development project, said the mock session started in July and August to thoroughly test GEMS has been successful and is virtually complete. The Research and Legislation staff is producing all bills in the new system. In addition to the programming and testing they've been doing, the GEMS development team has successfully converted from the old mainframe system into GEMS the 72,400 documents that make up Idaho statutes and the Idaho Constitution. The plan is to move the rest of the Legislative Services Office staff and all Senate and House staff over to the GEMS production environment in time for organizational session in December. Mrs. Clark told Council members that the staff of the Legislative Services Office, the Senate and the House has done a tremendous job helping the development test GEMS.

Chief Clerk Bonnie Alexander said Mrs. Clark and her team had done tremendous job. "I can't tell you how wonderful the system is going to be." She said her background in data processing and systems analysis made her particularly excited to be a part of the project. She went on to say she thinks Idaho will be able to say it has as good or better a system that anyone else in the United States. Because GEMS was developed in-house, the system is designed exactly to meet our needs. She described how much improvement in accuracy she expected to see, and Speaker Denney noted that the extensive information available online will provide opportunity for the Legislature to become less dependent on printed materials.

In response to a question from Senator Werk regarding if code citations will be linked, Mrs. Clark explained that for time being, only repealers will be linked in bills; however, code citation links are something that can be incorporated into the system in the future. Ms. Alexander added that every bill mentioned in online journals is linked to the electronic version of the bill, and Mrs. Clark said the statutes are linked in a similar manner. Secretary of the Senate Jeannine Wood said the system is really going to be an amazing product that legislators will see in January. Testing of the journals has particularly been extensive, with calendars, journals and dockets all connected. She said Norma Clark and her programmers, particularly Noreen Chen, are "the smartest people you'll ever meet ... it's just truly amazing."

Mr. Youtz praised the work of Norma Clark in the seven-year GEMS project, saying she has always taken the approach that it is the end users who are the priority. "It's taken a long time, but I think we're going to have a great product. We're going to beg

your patience on some things that will inevitably come up, but Norma and her team have done a great job.” Speaker Denney thanked Mrs. Clark and Senate and House staff for their work. He said he thought GEMS was going to be a really great tool for the Legislature.

Links to Legislator Web Sites

Sheila Ison, who manages content on the Legislature’s Web site, presented information to the Council regarding links from the Legislature’s site to personal Web sites of legislators. Currently such links are listed exactly as the legislator has named a Web site, and some of the sites have more of a campaign than a constituent-service focus; for example “vote4legislator.” The Council discussed at its last meeting whether the nonpartisan Legislative Services Office should continue to include personal links. The Council requested that staff review and report back about what other states are doing regarding individual member sites. Ms. Ison reported that in seven western states, the official legislative sites include links to personal sites, while in six other states, links to personal sites are not listed. All states with links list the legislators’ name rather than the actual site name, for example, “Senator ____’s Personal Web Page.”

In Oregon and Washington, links to personal legislator sites are subject to blackout periods for several months during primary and general elections. Senator Davis noted that the information available on the Legislature’s site about individual legislators is sketchy, and he recommended that information like the Secretary of State’s Idaho Blue Book be made a part of the official site or that a link to the Blue Book be included. Representative Moyle said he thought the links to personal sites should be removed. Mr. Youtz suggested increasing the information available on the official site about each legislator. On a motion by Representative Jaquet and a second by Representative Collins, the Council voted to have Legislative Services develop a Blue Book-style description of legislators for the Web site and remove links to personal legislator sites.

Office of Performance Evaluations Update

Director Rakesh Mohan, Office of Performance Evaluations, briefed the Council about OPE work in progress, including an audit of the Idaho Transportation Department, and studies of the adequacy of public education funding and the consolidation of school district services. Because Mr. Mohan at a conference in Denver, he presented information by conference call. He anticipates release of these reports in January 2009.

OPE contracted in July with a Pennsylvania-based company, Avant IMC LLC, to conduct a performance audit of the Idaho Transportation Department. The audit will focus on the department’s highway programs in the areas of management and performance, contractor selection and oversight, and outsourcing. In addition to Avant, OPE has retained three independent consultants to work on the audit. In response to a question from Representative Jaquet, Mr. Mohan said the study includes talking with local highway districts in addition to ITD districts, and he would find out which ones and let her know.

Mr. Mohan explained that the study of the school funding formula is not intended to rewrite the formula, but to examine Idaho's approach to public education funding. Evaluators are also studying education funding methods in other states. He hopes the report OPE presents in January will provide a framework for future discussion relating to adequacy of public education funding.

Capitol Restoration Update

Senator Stegner, co-chair of the Advisory Committee on Space Allocation and Design, said the committee had been concentrating on trying to define some areas of the garden level of the rotunda. At a meeting the previous day, a motion was passed for a garden level concept that eliminates the refreshment concession counter and includes a welcome room, information desk, gift shop, and bill room/phone operator space.

Council members had a general discussion concerning the new legislative dining room and whether or not it should be open to the public. Senator Stegner said there are numerous options for configuring the dining space and noted the difficulty there likely will be in finding short-term management for the dining facility. By taking no action, the dining room will open as a private legislative facility. He said the Design Committee has not taken any action on this issue, but that he wanted the Legislative Council to be aware of the discussion. Representative LaFavour said perhaps the reason the Legislature had food facilities in the Capitol in the first place was for easy and comfortable interchange between legislators. She questioned if opening the dining room to the public would defeat the original purpose of having an onsite dining area.

Senator Geddes noted that the major changes being made to the Capitol will change all dynamics of interaction between legislators. The relocation and expansion of the dining room resulted from the need to meet safety code regulations. Now it will be possible for senators and representatives to interact in the dining room. Management of the facility will have to be fine tuned along the way, and flexibility will be required as the Legislature tries to develop whatever culture is going to be the best as the Legislature moves back into the renovated Capitol. Senator Geddes went on to say there will be many things legislators will have to work through and adjust to. He thinks the public should be invited in and encouraged to use the facilities they, in part, paid for. In response to a concern raised by Representative LaFavour, Senator Geddes said, with the expanded space available in the newly configured Capitol, legislators will have many opportunities to meet with each other informally.

Senator Stegner then briefed the Council on plans for drop-down screens, ceiling-mounted projectors, flat screens, furniture options, and the display of historic legislator photos in the Capitol. He said the historic pictures were being digitized. Because the originals have suffered some damage, reproductions will be displayed in the Capitol; the original photos will be archived for safekeeping. Project Manager Jan Frew updated the Council on Capitol restoration activities. One problem workers have encountered is the discovery of distemper paint throughout the building, which had to be removed through extensive scraping. Mrs. Frew reported that the project is still on schedule and within its \$120 million budget. In conclusion, she noted that 200 people are

working every day in the Capitol Building.

Speaker Denney adjourned the meeting at 4:00 p.m. Council members then met for a guided tour of the Capitol Building.